



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग चार-क

वर्ष ४, अंक ४२]

सोमवार, जुलै १६, २०१८/आषाढ २५, शके १९४०

[पृष्ठे २, किंमत : रुपये ९.००

### असाधारण क्रमांक ६३

#### प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकाऱ्यांनी तयार केलेले

(भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांव्यतिरिक्त इतर)

वैधानिक नियम व आदेश ; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क), जिल्हांडंडाधिकारी व निवडणूक आयोग, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

#### BEFORE THE GOVERNOR OF MAHARASHTRA

*In Re* : Petition by Shri D. J. Mayekar, Ratnagiri, Maharashtra, regarding alleged disqualification of Shri Uday Samant, Member of the Maharashtra Legislative Assembly.

#### Order

No. DIS-2018/C.R. 566/18/33.—Shri D. J. Mayekar, Ratnagiri, Maharashtra (hereinafter referred to as “the Petitioner”) has filed a petition alleging that Shri Uday Samant, Member of the Maharashtra Legislative Assembly, from AC-266, Ratnagiri, has incurred disqualification for being a member of the Legislative Assembly in view of the order passed in Civil Suite No.260/2007, dated 12th May 2016 in the Court of Joint Civil Judge, Senior Division, Ratnagiri, on the grounds mentioned below :—

- (i) Misuse of Government Fund ;
- (ii) Misuse of position as Chairman, Employment Guarantee Scheme (EGS) and MLA for executing the unsanctioned work.
- (iii) Awarding the work under EGS to private contractor instead of getting it done from local labourers.
- (iv) Executing the work without obtaining permission from the land owner.

2. The petitioner has also alleged that the Court of Joint Civil Judge, Senior Division, Ratnagiri, had approved the allegations and accordingly passed the Judgment and Order dated 12th May 2016.

As required by the provisions of clause (2) of Article 192 of the Constitution, the question of the alleged disqualification was referred to the Election Commission of India for its opinion.

3. On the averments in the petition, the Commission opined that the grounds on which disqualification of Shri Uday Samant is sought by the Petitioner do not fall under any of the grounds mentioned under Article 191 (1) of the Constitution or under any of the grounds mentioned in the Representation of the People Act, 1951.

(१)

4. In view of the foregoing findings and analysis, the Commission opined that, Shri Uday Samant, Member of the Maharashtra Legislative Assembly, from AC-266, Ratnagiri, cannot be disqualified on the grounds alleged by the Petitioner as these grounds do not constitute the grounds for disqualification mentioned either under Article 191(1) of the Constitution of India or under any of the provisions of the Representation of the People Act, 1951.

5. In accordance with the said opinion of the Election Commission of India, I pass the following order :-

**Order**

6. The petition of Shri D. J. Mayekar, Ratnagiri, Maharashtra, is hereby for the reasons stated above, dismissed.

Mumbai,  
Dated 28th June 2018.

CH. VIDYASAGAR RAO,  
Governor of Maharashtra.

क्रमांक डीआयएस-२०१८/प्र.क्र. ५६६/१८/३३,  
सामान्य प्रशासन विभाग  
मादाम कामा रोड, राजगुरु हुतात्मा चौक,  
मंत्रालय, मुंबई ४०० ०३२,  
दिनांक १६ जुलै २०१८.

प्रत, माहिती व योग्य कार्यवाहीसाठी अग्रेषित :

- (१) सचिव, मा. राज्यपाल कार्यालय, राजभवन, मुंबई (१० प्रती).
- (२) प्रधान सचिव, महाराष्ट्र विधानमंडळ सचिवालय, विधानभवन, मुंबई.
- (३) जिल्हाधिकारी तथा जिल्हा निवडणूक अधिकारी, रत्नागिरी.
- (४) निवडनस्ती.

शुभा बोरकर,  
अवर सचिव व उप मुख्य निवडणूक अधिकारी,  
महाराष्ट्र राज्य.